

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY, on
behalf of themselves and all others similarly
situated,

No. C 04-04981 WHA

Plaintiffs,

**ORDER RE THE
STURDEVANT LAW FIRM**

v.

THE CITY COLLEGE OF SAN FRANCISCO
("City College") LAWRENCE WONG, in his
official capacity as President of the Board of
Trustees, MILTON MARKS, III, in his official
capacity as Vice-President of the Board of Trustees,
DR. NATALIE BERG, JOHNNIE CARTER, JR.,
DR. ANITA GRIER, JULIO J. RAMOS, RODEL
E. RODIS, in their official capacities as members
of the Board of Trustees, and DR. PHILIP R. RAY,
JR., in his official capacity as Chancellor,

Defendants.

The Court notes that on October 28, 2005, class counsel unilaterally "associated" James C. Sturdevant and Mark T. Johnson of the Sturdevant Law Firm as additional class counsel. Designation of class counsel is the Court's responsibility. Once designated, class counsel cannot lateral off the case, or the trial, or any part of the case without the Court's permission. No such motion has been made.

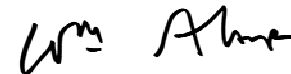
The Court knows Mr. Sturdevant personally and is aware of his excellent reputation. The Court has not yet had the pleasure of meeting Mr. Johnson. Nonetheless, the problem is that a new set of lawyers will add enormously to the attorney's fees in this action. From first-hand experience, the Court knows the inefficiencies in having multiple law firms handle a

1 single matter and further knows the large amount of make-up work by the new additions that
2 would be necessary at the eleventh hour.

3 Class counsel (meaning Mr. Wallace), must file under seal for the Court's *in camera*
4 review why his own firm is unable to carry out the full responsibilities of class counsel and why
5 he desires to bring Mr. Sturdevant in at this time. The Court appointed Mr. Wallace and his
6 firm as class counsel on the representation that his firm could handle this case. Also,
7 Mr. Sturdevant should state without equivocation whether he will be ready on the dates
8 currently scheduled for the final pretrial conference (on January 30, 2006) and trial (on
9 February 14, 2006). Also, who will be lead trial counsel? In addition, Mr. Wallace and
10 Mr. Sturdevant should explain how they would propose to eliminate or reduce the inefficiencies
11 described above and how they would recommend those inefficiencies be taken into account
12 with respect to any future attorney's fees petition. All of this should be filed by **DECEMBER 8,**
13 **2005 AT NOON.** Do not serve defendants.

14
15 **IT IS SO ORDERED.**

16
17 Dated: November 29, 2005



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE